

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13880, of the Trustees of Amherst College, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue the use of a parking lot in the R-4 District at the premises 6 and 8 Third Street, S.E., (Square 787, Lot 810).

HEARING DATE: December 15, 1982

DECISION DATE: December 15, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the east side of Third Street between East Capitol and A Streets, S.E. and is known as premises 6 and 8 Third Street, S.E. It is in an R-4 District.

2. The subject parking lot has been in existence since the 1950's. The Board last approved the continuation of this lot for a period of four years in BZA Application No. 12742 by Order dated November 2, 1978.

3. The lot contains nine parking spaces all of which are reserved for the staff of the Folger Shakespeare Library which is located directly across the street from the parking lot.

4. The lot is unattended. Access to and egress from the lot is from 3rd Street. The three buildings surrounding the lot are owned by the applicant and are used in relation to the functioning of the Library. All nine spaces are located perpendicular to and facing the southern lot line of the lot. The lot is approximately forty-two feet wide and seventy-four feet deep.

5. The applicant testified that it had received no complaints about the operation and maintenance of the lot.

6. The applicant testified that the lot was in compliance with the prior Order of the Board.

7. The Department of Transportation, by memorandum dated October 18, 1982, reported that upon inspection the lot was observed to be clean and in good condition. The DOT had no objection to the continuance of the lot. The Board concurs.

8. The Capitol Hill Restoration Society, Inc., by letter of December 9, 1982, advised that the Society voted to interpose no objection to the application and urged that the grant be limited to no more than four years.

9. Advisory Neighborhood Commission 6B, by letter of November 28, 1982, reported that it supported the application subject to the conditions of the prior Order of the Board, namely for a period of four years and compliance with Article 74 of the Zoning Regulations. The Board concurs in the ANC recommendation, except for the period of the time of grant. The Board is of the opinion that based upon the past history of the lot and lack of opposition a five year grant is more feasible.

10. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3104.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The use is reasonably necessary and convenient to the properties it serves, its use will not create any dangerous, objectionable or adverse conditions, nor will the use affect adversely the present character and future development of the neighborhood.

The Board further concludes that it has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled. The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:


1. Approval shall be for a period of FIVE YEARS from the date of expiration of the prior order, namely from November 2, 1982.
2. A maximum of nine parking spaces shall be provided in accordance with the layout in Exhibit No. 12 of the record.
3. Bumper stops shall be provided to protect the wall of the building located immediately adjacent to the south side of the parking lot.

4. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
5. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
6. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
7. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
8. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Carrie Thornhill, William F. McIntosh, Lindsley Williams, Douglas J. Patton and Charles R. Norris to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: APR 11 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

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